IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CASE NO. 5:22-CV-037-KDB-DCK

CINDY MICHELLE GARDNER,)
Plaintiff,)
v.) ORDER
TOWN OF MOORESVILLE, and RUSSELL CLARK,))
Defendants.)
	<i>)</i>

THIS MATTER IS BEFORE THE COURT on Defendants' second "...Motion To Dispense With Mediation, Or In The Alternative Designate A Mediator" (Document No. 26) filed December 9, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion in part and grant the motion in part.

Apparently, Plaintiff, who is appearing *pro se*, continues to decline to confer with Defendants' counsel regarding proposed mediators. (Document No. 24, 26). The parties were required to notify the Court of their mediator selection by November 10, 2022; that deadline was then extended to December 9, 2022. (Document No. 23, p. 9; Document No. 25). To date, Plaintiff has also failed to propose any mediators to the Court. See (Document No. 25, p. 1).

Plaintiff is again advised that she must abide by the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Orders of this Court. Failure to abide by the Rules and Orders of this Court, and/or failure to otherwise prosecute this case, may lead to sanctions, which might include dismissal of this action. If Plaintiff fails to fully participate in discovery and/or mediation, or to otherwise prosecute her case, Defendant may file an appropriate motion seeking relief.

IT IS, THEREFORE, ORDERED that Defendants' second "... Motion To Dispense With

Mediation, Or In The Alternative Designate A Mediator" (Document No. 26) is **DENIED in part**

and GRANTED in part: the parties are not excused from this Court's mediation requirement,

and are therefore directed to schedule mediation with retired Superior Court Judge Timothy L.

Patti.

The Clerk of Court shall send a copy of this Order to pro se Plaintiff by certified U.S. mail,

return receipt requested.

SO ORDERED.

Signed: December 12, 2022

David C. Keesler

United States Magistrate Judge